

Assam Vote-On-Account Decision Upheld

From Our Special Representative

NEW DELHI, Sept. 8.—The Chairman of the Rajya Sabha ruled today that there had been no breach of constitutional provision in the Government not laying on the table of the House a copy of the Assam vote-on-account Ordinance promulgated by the State Governor on April 1.

The Chairman, Mr M. Hidayatullah, upheld the Deputy Chairman's decision that the Assam vote-on-account Ordinance was not required to be laid on the table of the House.

Mr Hidayatullah's ruling was read out in the House by Mr Shyam Lal Yadav, Deputy Chairman.

Agreeing with the Deputy Chairman, Mr Hidayatullah said that the Ordinance should have been placed on the table of the Assembly on June 29, 1981 when it met the day before the promulgation of President's rule. Under the Constitution, there was no substitute for the rule that the Ordinance be placed on the table of the House after Parliament reopened, since the powers of the State legislature were now vested in Parliament. Therefore, he agreed with the view expressed by Mr Yadav on August 25 that no useful purpose would be served by tabling "dead" Ordinances.

The issue was raised by several Opposition members on August 26, who insisted that a copy of the Ordinance should have been laid

on the table of the House as provided in the Constitution.

Giving the background to the promulgation of the Ordinance, the Chairman said it had expired before the State Assembly could approve of it. He maintained that the Governor's Ordinance had lost its force by the time the Rajya Sabha had assembled on August 17.

After the Chairman's ruling had been read out, Mr Pilloo Mody (J) commented: "It's a legal fiddle in legal jargon".

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